

It was alleged to be misbranded in that the statement "Each Tablet Contains Not Less Than: 111 International Units Vitamin B₁" was false and misleading.

On November 18, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on the first count and a fine of \$50 on the second count.

4484. Misbranding of Vita Water. U. S. v. 50 Bottles of Vita Water. Default decree of condemnation and destruction. (F. D. C. No. 8400. Sample No. 15464-F.)

This product, in addition to being misbranded as indicated hereinafter, was polluted with coliform organisms, mold, and miscellaneous bacteria.

On September 24, 1942, the United States attorney for the District of New Mexico filed a libel against 50 bottles, each containing 5 gallons, of Vita water at Hobbs, N. M., alleging that the article had been shipped in interstate commerce on or about August 11, 1942, by the Vita Water Co. from Lubbock, Tex.; and charging that it was adulterated and misbranded.

The article was alleged to be misbranded: (1) In that the following statements "Protect your Baby's Teeth and Your Health * * * Every Bottle Sterilized * * * Vita Water * * * Free of Flourine * * *," were false and misleading since they represented and suggested that the article would be efficacious in protecting the baby's teeth and one's own health; that every bottle was sterilized; that it was a natural water and was free of fluorine, whereas it would not be efficacious for the purposes recommended; every bottle was not sterilized; it was an artificial water and it contained fluorine. (2) In that it was in package form and its label did not bear a statement of the quantity of the contents. (3) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient since the label did not name the specific minerals added.

On October 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4485. Adulteration of wheat germ middlings. U. S. v. 446 Sacks of Wheat Germ Middlings. Consent decree of condemnation. Product ordered released under bond for denaturing for use as live stock feed. (F. D. C. No. 8396. Sample No. 4217-F.)

This product contained beetles, larvae, cast skins, moth larvae and cast skins, miscellaneous insect fragments, and mites.

On September 21, 1942, the United States attorney for the Northern District of Ohio filed a libel against 446 100-pound sacks of wheat germ middlings at Wooster, Ohio, alleging that the article had been shipped in interstate commerce on or about March 14, 1942, by the Sunset Feed & Grain Co. from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Maple Leaf Milling Co. Wheat Germ Middlings * * * Toronto Canada Made in Canada."

On October 31, 1942, the Freshman Vitamin Company of Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as live stock feed under the supervision of the Food and Drug Administration.

4486. Adulteration of wheat germ middlings. U. S. v. 500 Sacks of Wheat Germ Middlings. Consent decree of condemnation. Product ordered released under bond for denaturing for use as live stock feed. (F. D. C. No. 8296. Sample No. 4216-F.)

This product contained beetles, larvae, cast skins, moth larvae and cast skins, miscellaneous insect fragments, and mites.

On September 21, 1942, the United States attorney for the Northern District of Ohio filed a libel against 500 99¾-pound sacks of wheat germ middlings at Wooster, Ohio, alleging that the article had been shipped in interstate commerce on or about March 23, 1942, by the Robin Hood Flour Mills from Moose Jaw, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Superior Wheat Germ Middlings Made in Canada."

On October 31, 1942, the Freshman Vitamin Company of Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as live stock feed under the supervision of the Food and Drug Administration.